

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JODI MARCHEWITZ, as Next Friend
of A.M., a minor,

Plaintiff,

Hon. Robert J. Jonker

v.

Case No. 1:15-cv-00934-RJJ-PJG

CAMPGROUP, LLC, d/b/a THE GLEN
AT LAKE OF THE WOODS CAMP FOR
GIRLS, d/b/a THE GROVE AT LAKE
OF THE WOODS CAMP FOR BOYS,

Defendants.

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ORDER

This matter is before the Court on defendants' motion to compel discovery. (ECF No. 25, 34).¹ Defendants served interrogatories and requests for production of documents on December 9, 2015. (ECF No. 34-2, PageID.180; ECF No. 34-3, PageID.186). Plaintiff's answers and objections were due January 8, 2016. *See* FED. R. CIV. P. 33(b)(2); 34(b)(2)(A). Plaintiff failed to provide any answer or objection to any

¹Defendants included two exhibits with their original motion (ECF No. 25) that contained the name of the minor A.M. (*See* Motion to Strike, ECF No. 27, PageID.155). The Court denied defendants' motion to strike, but sealed the docket entry and ordered defendants "to file a properly redacted version of the documents for the public record." (Order, ECF No. 32). Defendants have filed the corrected motion with the redacted exhibits. (ECF No. 34). All references in this Order will be to the corrected motion, and the original motion (now sealed) will be dismissed as moot.

of these discovery requests. (*See* ECF No. 34, PageID.168). Repeated efforts by defense counsel to obtain compliance were unsuccessful. (*See id.*, PageID.168-69).

Defendants filed the instant motion on February 3, 2016. (ECF No. 25). On February 8, 2016, the Court noticed a hearing on the motion, and it directed plaintiff to file her response by February 17, 2016. (ECF No. 31). No response was filed.

The Court conducted a hearing on the motion today. Having considered defendants' written submission and the parties' oral submissions, and for the reasons stated on the record, defendants' corrected motion to compel discovery (ECF No. 34) is **GRANTED**. Moreover, as plaintiff failed to timely respond to the discovery requests, any objection is deemed waived. *See* FED. R. CIV. P. 33(b)(4); *Galinis v. Branch County, et al.*, No. 1:14-cv-00460, 2015 WL 2201696, *2 (W.D. Mich. May 11, 2015) (citing cases). Accordingly,

IT IS ORDERED that plaintiff shall, within seven days of the date of this Order, fully answer all of Defendants' First Set of Interrogatories (ECF No. 25-2) and fully respond to all of Defendants' First Request for Production of Documents. (ECF No. 25-3).

IT IS FURTHER ORDERED that plaintiff shall, within seven days of the date of this Order, supplement her Rule 26(a) initial disclosures.

IT IS FURTHER ORDERED that defendants shall, within seven days of the date of this Order, file their petition for reasonable expenses incurred in bringing the motion to compel. *See* FED. R. CIV. P. 37(a)(5).

IT IS FURTHER ORDERED that plaintiff shall, within fourteen days of the filing of defendants' petition for reasonable expenses, file a response. Any issue not raised in a timely response shall be deemed waived.

IT IS FURTHER ORDERED that defendants' original motion to compel discovery (ECF No. 25 (sealed)) is **DISMISSED** as moot.

Plaintiff is warned that failure to comply with this compulsion order, or any further failures to comply with her discovery obligations, may result in additional sanctions, including dismissal of this action. See FED. R. CIV. P. 37(b)(2), (c)(1).

IT IS SO ORDERED.

Date: February 19, 2016

/s/ Phillip J. Green
PHILLIP J. GREEN
United States Magistrate Judge